

**Notice of Allowability**

Application No.

09/666,364

Applicant(s)

SUZUKI ET AL.

Examiner

Art Unit

Ting Zhou

2173

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/11/06, 5/26/06 and 6/23/06.
2. ☐ The allowed claim(s) is/are 1, 14, 20, 26-30 and 33-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>6/23/2006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. The amendment filed on 11 April 2006 have been received and entered. Claims 1, 14, 20, 26-30 and 33-35 as amended are pending in the application.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the Abstract appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. The application has been amended as follows:

4. In the Amendment to the Specification filed by the applicant on 26 May 2006, the word "IN" on line 7 of page 2 of the amendment is changed to -- In --.

### ***Allowable Subject Matter***

5. Claims 1, 14, 20, 26-30 and 33-35 are allowed.
6. The following is an examiner's statement of reasons for allowance: The present invention teaches a method for editing musical performance data using a computer system having a display by assigning a plurality of articulation data to be imparted into musical tones generated from

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performance data to different graphically displayable layers. Each of the independent claims identifies the distinct feature of each of the plurality of layers is assigned to a different type of articulation to be added to a musical tone to be generated based on the performance data, controlling the computer system to place any of the layers in the display mode or non-display mode, and attaching an execution icon at a prescribed position onto one of the plurality of layers that is displayed on the screen of the display, wherein the attached execution icon represents execution-related data for adding, to the musical tone to be generated, a predetermined type of articulation to which one of the plurality of layers is assigned. The closest prior art, Ohomori U.S. Patent 6,477,315 and Weinstock et al. (hereinafter "Weinstock") U.S. Patent 6,166,314 teach the display of a plurality of layers on the screen for editing musical performance data, attaching execution icon at a prescribed position in response to user instruction, the execution icon corresponding to execution-related data, and the step of attaching the execution icon causes the corresponding execution-related data to be incorporated into the performance data being edited. In the case of the Ohomori reference, Ohomori teaches the display of a plurality of layers on the screen for editing multimedia data, attaching execution icon at a prescribed position in response to user instruction, the execution icon corresponding to execution-related data, and the step of attaching the execution icon causes the corresponding execution-related data to be incorporated into the performance data being edited. In the case of the Weinstock reference, Weinstock teaches editing musical performances. However, the prior art fails to teach each of the plurality of layers is assigned to a different type of articulation to be added to a musical tone to be generated based on the performance data, each of the plurality of layers is individually controllable to either be displayed or not displayed, and attaching an execution icon onto the

corresponding layer at a prescribed position for effecting editing of the performance data. Thus, the prior art fails to anticipate or render the above limitations obvious.


7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Kieu Vu  
Primary Examiner

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